

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ARTHUR JAMES ROGERS,)	
)	
Petitioner,)	
)	NO. 3:07 CV 566 JM
vs.)	
)	
EDWARD BUSS,)	
)	
Respondent.)	

OPINION AND ORDER

Arthur James Rogers, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge the Indiana State Prison Disciplinary Hearing Board's (DHB) determination that he was guilty of threatening in violation of B-213 on December 15, 2006. He was sanctioned with the loss of 90 days earned credit time. Rogers attempts to raise four grounds in this court, but he did not present any of them during his administrative appeal to the Final Reviewing Authority. "[T]o exhaust a claim, and thus preserve it for collateral review under § 2254, a prisoner must present that legal theory to the . . . Final Reviewing Authority" *Moffat v. Broyles*, 288 F.3d 978, 982 (7th Cir. 2002).

In paragraph 11, Rogers lists the claims he raised to the Final Reviewing Authority, but he has not listed any of the four claims he attempts to raise in this petition. Additionally, paragraph 13 asks him to identify any grounds that were not previously presented during his state administrative appeal. Here he lists all four of his grounds. Paragraph 13 also ask him to explain why he did not present his claims, but he did not provide a response to that part of the question.

Because Rogers did not exhaust these grounds by presenting them to the Final Reviewing Authority, he may not raise them here for the first time.

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

SECTION 2254 HABEAS CORPUS RULE 4. For the foregoing reasons, the petition for a writ of habeas corpus is **DENIED**.

SO ORDERED.

ENTER: December 4, 2007

s/ James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT